IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:06-cr-00430-W

UNITED STATES OF AMERICA)	
)	
VS.)	
)	
(1) JOSEPH DiBRUNO, JR.,)	ORDER
(2) JOSEPH DiBRUNO, SR.)	
(3) NICHOLAS DIBRUNO,)	
)	
Defendants.)	
)	

THIS MATTER is before the Court *sua sponte* regarding the trial date in this matter. In an oral ruling on August 15, 2007, Magistrate Judge Carl Horn granted the Pro-Se Motion to Appoint New Counsel (Doc. No. 47) filed by Joseph DiBruno, Jr., and ordered that new counsel be appointed. Within a few hours of the magistrate judge's ruling on August 15, 2007, the Federal Defender's office informed the Court telephonically that new counsel (Richard A. Culler) had been appointed to represent Mr. Di Bruno, Jr., in this matter.

This trial was scheduled to begin September 4, 2007; however, because of the new appointment of counsel, the court finds the ends of justice served by granting a continuance outweigh the best interest of the public and Defendants in a speedy trial. For these reasons and pursuant to 18 U.S.C. § 3161(c)(2), the Court continues the trial in this matter until September 17, 2007, which is more than thirty (30) days from the appointment of new counsel for Mr. DiBruno, Jr.

IT IS, THEREFORE, ORDERED that the trial for ALL defendants shall be set for September 17, 2007. No more continuances will be granted in this matter. In addition to all attorneys of record, the Clerk is directed to send a copy of this Order to the following: (1) Peter Adolf at peter adolf@fd.org; (2) Richard A. Culler at andyculler@bellsouth.net and via U.S. Postal Service

at Suite 212, The Barrister Place, 212 N. McDowell Street, Charlotte, NC 28204; and (3) Defendant Joseph DiBruno, Jr., via U.S. Postal Service at P.O. Box 34429 (PID No. 336176), Charlotte, NC 28234-4429.

IT IS SO ORDERED.

Signed: August 15, 2007

Frank D. Whitney

United States District Judge